

things to do than wait for somebody who is finishing a phone call or some appointment. The only way to do this is to cut off the vote, have people miss votes. If I am late, cut off the vote. Senators come in here "hang tooth," sad that they missed a vote, after we keep the vote going for 35 or 40 minutes. I served in the House of Representatives. We had 15 minutes to vote in the House. It is over with. There are 435 Members over there. They all manage to get over and vote on time. I know we have a rollcall, but it is simply unfair to this institution to waste hours every week. My Democratic Senators, if they are late and there is equal pain around here and you cut off your Republicans, I will cut off my Democrats, and I will handle them. I want everyone within the sound of my voice, all the staffs, to hear that it is my understanding, based upon the urging of Senator SPECTER, that we are going to cut these votes off. I hope that is the case. It is a pet peeve I have around here. Where else in the world would you be so discourteous as to have people standing around waiting for you to do something that none of us care about? I don't know what they are doing over there. We hear the excuses, the plane has just landed, they are on their way. They have had too many tardy slips. Let's not accept that anymore. I think if we did it once, the second time it would be a lot easier. And the third time it would never happen. I hope the distinguished Republican leader will force our Senators to recognize that they have the obligation of voting on time. It is the main reason we are here. If they miss a vote, they miss a vote.

Mr. FRIST. Mr. President, you have heard it now from the two leaders and the chairman and the ranking member. Let's plow ahead, again being respectful of the body itself and the use of time, and keep the bill moving forward and America moving forward.

#### DARFUR

Mr. FRIST. Mr. President, the United States will very soon vote on a resolution urging the international community and the Government of Sudan to end genocide in Darfur. Since March of 2003, more than 181,000 people have died in the Darfur region, Darfur and the country west of Sudan—Darfur is in the western part of Sudan and the country west of that, Chad, and the neighboring towns in that region. One hundred eighty-one thousand people have died of violence and disease. They are dying of malnutrition. More than 2 million people have been displaced from their homes, many times without their families, and remain scattered in these refugee camps in the Darfur region and in Chad.

I have had the opportunity to travel to Sudan many times and to the Darfur region, last year to Chad. Along the border, there are a whole number of refugee camps, each with anywhere

from 6,000 to as many as 12,000 people. When you go into these refugee camps and you sit down on a little mat with all these little makeshift tents with 8,000 people who have had to leave their homes, you hear the stories of murder, the stories of rape from young women. You hear those stories of violence, many with descriptions of the Government of Sudan's jeeps driving through these villages as they are pushed forward. I have heard the stories myself. I have talked to enough people on the ground to know that this is, indeed, genocide and that it is time for us, the international community, to do something about it.

I have said basically that same thing on the floor of the Senate for the last year; many of us have. It is embarrassing to have to come back to the floor to say it once again.

The Government of Sudan has failed to take credible steps in terms of ending this genocide. There has been a lot of talk, but we don't see any action. It was clear, as I was there, as it is now, that the death toll is going to increase. It is going to increase unless we have stronger action, unified action, but not just by the Government of Sudan, because they are not going to act, but the entire international community against Khartoum, where the Government of Sudan is centered. President Bush and former Secretary of State Colin Powell and the Senate have all declared that the Darfur crisis is, in fact, genocide. It was the Senate that officially condemned it as genocide. Once again, we see no real response by the international community.

This past Friday, the United Nations High Commissioner for Refugees warned that the situation in the Darfur region of the Sudan is getting worse. Where is the international community's response?

Innocent civilians continue to be targeted by the Sudanese Government in Khartoum and its allied Janjaweed militias. The Janjaweed have even caused the United Nations to temporarily suspend some of its relief activities in many areas of Darfur. In the words of the High Commissioner, the situation is "extremely nasty, with ugly events." Last month, 400 Janjaweed Arab militia on camels and horseback attacked a refugee camp killing 35 people, wounding 10 others. More than 80 homes were burned to the ground. On October 8, an African Union convoy was ambushed in the southern part of Darfur. Four Nigerian soldiers and two civilian contractors were killed. The very next day, a group of rebels abducted 38 African Union soldiers in the border town of Tine, threatening the African Union to stay out of the territory.

Today there are fresh reports of heavy gunfire over the weekend in half a dozen towns in the region. The African Union forces deployed to the Darfur region have done a professional job and deserve praise for their determination. But they are up against

ruthless opponents who attack and maim and kill their opponents. Nearly 200,000 civilians are dead, 2 million more displaced and suffering. The violence must stop. Those who are responsible for genocide for these war crimes against humanity and these criminal acts must be brought to justice.

I urge the United States to renew efforts to implement additional sanctions on the Government of Sudan through the United Nations Security Council. I also support an expansion of the size and mandate of the African Union mission in Darfur, and I encourage my colleagues to continue to support its efforts.

Time is running out. We cannot wait and see. The international community must live up to its declared responsibility to protect innocent citizens targeted for genocide. The credibility of the international community is at stake. Even more important than that are the hundreds of thousands of innocent people whose lives now hang in the balance.

I yield the floor.

#### RECOGNITION OF THE MINORITY LEADER

The ACTING PRESIDENT pro tempore. The distinguished Democratic leader is recognized.

#### AMERICA'S PRIORITIES

Mr. REID. Mr. President, I think most Americans have been to Florida. It is such a pleasant place, and beautiful, with wonderful beaches and tremendous weather. But nature has been very unkind to Florida in the past few years. There have been numerous storms, devastating storms. Florida is now being buffeted by Wilma. Winds are over 125 miles an hour with torrential rains, flooding many parts of Florida. Over 20,000 people have sought safety in shelters. Many have chosen to ride out the storm, and that is unfortunate. According to reports, less than 10 percent of the residents of the Florida Keys have evacuated, and it appears this may turn out to be the most damaging hurricane to hit this region in more than a decade. This afternoon, Wilma's victims are certainly in our thoughts. The storm is still there.

In recent weeks, we have seen how destructive nature can be. The people of Florida know we stand ready to help if, in fact, that is necessary.

Victims of Hurricane Wilma join the growing list of the Americans who need our help. While Wilma is upon us—we had Rita before that—we cannot forget the people who have suffered such devastating losses from the storm that hit the gulf, Hurricane Katrina. But it is obvious that the majority has forgotten about them.

We have had bills agreed upon by the Finance Committee and others—bipartisan bills—that we cannot move to the Senate floor. We cannot move them. Now I am told a bill that started out at

\$8 billion to help the people who are in such need of medical care and attention, the Medicaid bill, has now shrunk to less than \$2 billion. It will be, of course, a Band-Aid. It will give the majority something to say: we are trying to help. The fact is, they are not trying to help.

Weeks have gone by, and now Wilma is upon us, and Wilma will likely create the need for more help for people in Florida, which will push Katrina's victims, in the minds of the majority, further off the radar screen.

The American people, even before Wilma, were already looking to the Senate for help with rising energy prices, and preparedness for future disasters, such as the avian flu. We must add Wilma's victims to this list.

It is my hope that the majority in the Senate will join Democrats in focusing on these priorities. These priorities are about doing something about these staggering energy costs—heating fuel, filling the gas tank—or doing something about being prepared for what we have been told is going to be a pandemic, the avian flu. We have seen it leave the Far East and travel to Europe. And what are we going to do about the Katrina victims?

With few weeks remaining in this work period before Thanksgiving, we need to come together and make sure the agenda of the Senate reflects the agenda of the American people. Unfortunately, it does not at the present time.

This week, the Senate Budget Committee will mark up the bills they get from the various committees and move forward with budget reconciliation. This is legislation that cuts health care for the neediest of the needy, the Medicaid recipients. It will cut housing. It will cut programs for farmers. It could put at risk the pensions of millions of working Americans. But the majority's mantra is: Rich people of America, we are coming to your rescue; we are going to cut your taxes some more.

I am appealing to my colleagues in the majority: Don't do this. Postpone this effort. We have very real needs to address in this country. I repeat, rising energy prices, hurricane victims, and preparedness for the avian flu. These issues should be the focus of every Senator, not cutting programs to help those most in need and providing tax breaks for special interests.

Democrats voted against this immoral Republican budget once before Katrina hit. Now, after all we have been through, I think it is even more of an embarrassment to this institution that we are moving forward to cut the poor even more and cut taxes for special interests even more.

After a summer of rising energy prices and multiple hurricanes, hundreds of thousands of families are struggling to meet basic needs. The cuts in the Republican budget will only make these problems worse. Of course, even if Republicans move forward with

their plans, Democrats will continue to insist the Senate address the priorities of the American people.

As we did last week, we will continue to try to bring forward legislation that will help working families. On energy, we will fight to make sure the Senate takes a real look at price gouging and takes steps to help millions of families fill their tanks and heat their homes. On avian flu, we will continue to push the Senate to consider our comprehensive preparedness legislation so our country has the tools and resources it needs to confront this pandemic. If we do not do something, we are told 48 percent of the people who get this flu are going to die. And with Katrina, we are going to do everything we can to make sure hundreds of thousands of victims get the health care, housing and economic opportunities they need.

This weekend brought a new round of stories about how gulf coast communities are struggling. The problems of Katrina have not gotten better. For many families they have gotten worse.

With Katrina, we also have to ensure we get answers to how this happened so we can do everything possible to prevent it from happening again. The Senate has an obligation to act.

I say to my friends who now, as we see from the morning papers, are concerned about how many Iraqis are killed and soon—it may have already happened—just a matter of hours from now, 2,000 Americans will have been killed in Iraq. No one was looking for offsets and have not been looking for offsets on the billions of dollars being spent in Iraq.

Unfortunately, the Republicans blocked our attempts to help the American people last week. We could have made real progress. Instead, the Senate wasted much of its time. America can do better. We do not have time to lose. Every day that goes by, the problems faced by Katrina's victims grow worse. Every day that goes by, families are squeezed tighter by the energy crunch. Every day that goes by, we lose precious time in preparing for the avian flu pandemic.

We can do better. America can do better.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Illinois is recognized.

Mr. DURBIN. I thank the President for recognizing me.

I would like to follow on the remarks made by the Democratic leader of the Senate. The American people we represent expect us on the floor of the Senate to truly represent them and their real concerns—the needs of their families, the needs of their communities, the needs of businesses and farmers. We are elected to speak for them and to come together in common purpose on a bipartisan basis and deal with the real issues Americans face.

I would certainly acknowledge that the pending appropriations bill for Labor, Health and Human Services, which includes education as well, is

one of the most important appropriations bills that addresses those needs. In years gone by, there was a Congressman from Kentucky named Bill Natcher who was the chairman of the subcommittee that handles this bill. He always called this bill on the House floor the "people's appropriations bill." I think it was aptly named because it meant so much.

So as we visit this bill this week, it is time well spent, time to reflect on what we can do to help education in America, time to reflect on what we can do in the area of health care for America, medical research for America. It is time to look at some of the most basic programs we count on.

Sadly, this bill is the exception, it is not the rule.

Too many times we come to the floor of the Senate not to serve the needs of the people of this great Nation, but to serve the needs of special interest groups. They dominate this process because it has become such an expensive process. Unless you are independently wealthy and can finance your own campaigns from the millions of dollars you made before you came to the Senate, most Senators, mere mortals, spend their time raising money. From whom? Well, from their voters somewhat but, by and large, from special interest groups. So it is no surprise that the agenda of the Senate reflects those special interest groups.

Just a week ago, the new bankruptcy law went into effect. Professor Warren of Harvard Law School this morning in the New York Times talks about what it is going to mean. This was a 9-year effort by the financial institutions and credit card companies of America to make it more difficult for families to file for bankruptcy. Nine years they put into it, and they finally scored their big victory this year. They got this new bankruptcy bill passed.

What it means is fewer people who walk into bankruptcy court will be able to walk out with a clean slate. Many people walking in, crushed by debt, will find themselves walking out still carrying most of that debt.

Who are these people? Who are these folks who have been accused of abusing the bankruptcy system? Take a look at them: Over half of them are people who were overwhelmed by one thing—medical bills. There was an article in the New York Times this Sunday on the front page—my colleagues might have read it—of a family with health insurance and a sick baby who ended up losing their home, despite the fact they had health insurance, because of the serious medical problems that little baby faced.

This new bankruptcy law pushed on us by financial institutions and credit card companies will make it more difficult for families like that to ever erase the slate and start over. The special interests won again.

Then we had this debate on the floor of the Senate about the Department of Defense authorization bill. Can you

think of anything more important, certainly to the families of 150,000 American soldiers serving in Iraq today? Is there anything more important than the Department of Defense authorization bill, a bill which addresses the needs of our soldiers, the needs of the Pentagon, the needs of our veterans? Could there be a higher priority for us to deal with on the floor of the Senate?

Do you know what happened to that bill? The Republican leadership pulled that bill off the floor and said: We don't have time to consider it. And what did they replace it with? They replaced it with a bill pushed by the gun lobby, the National Rifle Association, a bill which says that gun manufacturers cannot be held liable in court for their wrongdoing. That is right, we have created this class in America, a limited class of people who are not responsible for their wrongdoing. It doesn't apply to you, not as an individual. If you are guilty of wrongdoing you can be held accountable. It does not apply to 99.9 percent of the businesses in America. Guilty of wrongdoing? You are held accountable.

But the gun industry, this big special interest group, so powerful that Republican leadership pulled the Department of Defense bill off the floor and has never returned to it.

Mr. REID. Mr. President, will the Senator yield for a question?

Mr. DURBIN. I will be happy to yield for a question.

Mr. REID. I apologize for interrupting.

In the New York Times today on the front page there is a column that says: "GOP Testing Ways to Blunt Leak Charges." Is the Senator aware that the senior Senator from Texas said she hoped "that if there is going to be an indictment that says something happened"—referring to the Rove-Libby scandal in the White House—"that it is an indictment on a crime and not some perjury technicality. . . ." Will my friend comment on this statement?

Mr. DURBIN. Mr. President, I did read the article on the plane coming out here. I think everyone knows, without saying this is a critical week, that something could happen this week. There are investigations under way of the Republican leadership, the House and the Senate, and now there is a question as to whether there will be indictments handed down for others in the executive department.

It is clear from the statement by some Senators, including the one quoted, that they are trying to prepare America for the shock that even higher level indictments could be handed down.

I say to the Senator from Nevada, and I think he would agree with me, the vast majority of the men and women serving in the House and Senate today are the most honest, hard-working people America could ever hope for. They come to work every day trying to serve the public good and yet in every institution, whether it is Gov-

ernment, business, families, even churches, there is wrongdoing. People do the wrong thing.

I hope what we hear being said by some Members of the Senate minimizing the possibility of indictments at the highest level of our Government does not reflect the true feeling of this body. I honestly believe there has been a rampant culture of corruption and cronyism that can take over our lives if we are not careful in public life. I hope we are mindful of the public's need to know that we are committed to continuing honest, ethical conduct in public service. Otherwise, we lose the confidence. Nothing else we do means much.

To minimize the possibility of someone being indicted for perjury overlooks the obvious. What is at stake, what is at issue in this investigation involving Valerie Plame, is the fact that this woman was a career employee of the Central Intelligence Agency in a covert status, which meant people did not know what she was doing. That gave her entree and opportunity others did not have. So protecting her identity was an important part of her service to this Nation.

There are many like her who risk their lives every day for America to make it safer to uncover potential acts of terrorism before they occur. So when her husband, a former ambassador, put an article in the newspaper critical of the Bush administration for overstating the reasons we were going to invade Iraq, someone—according to columnist Robert Novak, two people in the White House—came forward to out her identity. They did that for the most vain national political reasons, to punish her and her husband for speaking out against the administration.

That is a crime, to out the identity of a CIA agent. Who created this crime? It was a crime created by President Bush's father, former head of the CIA, who was so enraged that someone had written a book disclosing the identity of a CIA agent which he believed resulted in their death that he called on Congress to pass a law to say if anybody disclosed that identity, they should be held responsible for it. That is what is at the heart of this.

This is not a political game. It involves the lives and good fortunes of many men and women who serve this country selflessly. So to minimize this Valerie Plame investigation and to say it is over some technicality—for goodness sakes, the security of America and the security of the men and women in our intelligence agency, that is not a technicality. That is part of the defense of this country. I certainly hope what we have seen in the paper this morning, reflected in yesterday's talk shows, is not part of some strategy to try to minimize what is an extremely serious investigation.

I also say this before I yield the floor—I see the Senator from Pennsylvania is here as chairman of the committee. The three points made by the

Senator from Nevada are critical points. Five weeks from now, how can we go home and say Thanksgiving has come, we are ready for the holidays, we are headed off, and not do something about energy in America? How can we face the people we represent who cannot afford to pay their heating bills, people who cannot afford the cost of gas in my part of the world, in the Midwest, or the cost of heating oil in the Northeast? Can we say we have done the best we can do? I do not think so.

When it comes to energy, the bill we passed was a sop to the special interests. It was \$9 billion in subsidies to oil companies which are experiencing the highest profits they have seen in decades. Some parts of the bill were good, and I voted for it because it included ethanol and biodiesel and a few other things, but by and large this bill did not force us into an energy policy. What we need to do is very obvious.

First, we need to protect consumers in America from these price spikes. They are defenseless when the cost of gasoline reaches the point they cannot afford to go to work or run their small businesses or bring the harvest in from the farm.

Secondly, we need to punish profiteers. The four major oil companies in America in the first 6 months of this year had over \$40 billion in profits.

When you stuck that nozzle in the tank of your car and watched those numbers racing by on the pump, you were sending it directly to the boardrooms of these oil companies, \$40 billion in profits that they took right out of that experience.

One of the Senators from the other side last week asked, what is wrong with profits? Well, I guess nothing is wrong with profits unless you have to pay for them out of your hard-earned money every single day, and unless you cannot heat your home in the dead of winter because the cost of heating oil has gone up to make sure those profits keep coming to the boardrooms.

Some of us believe it is time to say, end of the road to these major oil companies that are profiteering, and to punish the profiteers with a windfall profits tax which tells them there is no incentive in raising the price for more profiteering. Some say that is harsh, it goes too far. I do not think so. Imposing that tax and bringing the money back to consumers directly in rebates or to help pay for LIHEAP so low-income families can heat their homes, in my mind, is simple justice.

Finally, we need an energy policy that looks ahead to making America less energy dependent. There was one critical issue on the floor when it came to the Energy bill. It was an amendment offered by Senator Maria Cantwell of Washington, cosponsored by many of us, and here is what it said: Much like President Kennedy's goal of reaching the Moon, we will set as a national goal reducing our dependence on foreign oil in America by 40 percent over the next 20 years. Is there a person

following this debate who does not think that is a good idea, a positive thing, that we would take the impact of the OPEC cartel and oil sheiks out of the American economy, minimize their impact?

We called that amendment up for a vote. One would think it would have been a unanimous vote, but it turned out to be a partisan vote. Not a single Republican Senator would support it. To reduce the dependence on foreign oil? That makes no sense.

We need to push for creativity when it comes to energy. We need to find renewable, sustainable sources of energy. What is the administration's answer to the energy crisis? Drill in the Arctic National Wildlife Refuge. An argument can be made there is not enough oil there to sustain us for any period of time. Over 20 years, the oil coming out of there is worth 6 months of America's energy supply. Over 20 years, it would produce 6 months' worth.

What happened last week in the Energy Committee? Up came a vote which said, incidentally, if there is going to be drilling in the Arctic National Wildlife Refuge, the oil better come down to America to help reduce our prices. That amendment was defeated. It was defeated on a largely partisan rollcall. There were many who said, no, the oil companies cannot be told what to do with the oil they take out of a wildlife refuge that has been protected for 50 years.

One wonders about the reach and impact of special interest groups. President Eisenhower's Arctic Wildlife Refuge, which we have valued and protected for 50 years, is going to be invaded and desecrated to drill for oil for America's energy, but this Congress would not say that oil would come back for heat and to fuel the cars of Americans. Where will it go? Probably to China.

Think about that for a second. One of our largest competitors in the world, energy hungry themselves, may end up with the very oil we are taking out of this wildlife refuge we have debated for years.

The point made about Hurricane Katrina is a good one. How can we leave without creating an independent, nonpartisan commission to figure out what went wrong? For 24/7, we saw those ghastly images of our fellow Americans struggling so that their children could survive this flood. We watched corpses bobbing in the flooded waters, seeing people desperate for shelter, water, and food. Much like 9/11, we think we ought to look into that to make sure we never repeat those mistakes again. There is resistance from the White House and from the majority.

Basically, the avian influenza is another call to arms. If this avian influenza, which has been described as inevitable by Dr. Gerberding of the Centers for Disease Control, strikes America, the people of this country have a right to turn to every single elected official

and ask, what did you do, knowing this was coming? What did you do to stockpile the antiviral agents that might save the lives of the children in my family? What did you do to start the vaccine production that might save the lives of hundreds of thousands of Americans? What did you do back in October of the year 2005 when you had that chance?

So the question is whether we will go home having addressed any of those issues: energy, Katrina or avian influenza. This bill before us is critically important, but after this bill is finished I hope we will move to those three items. I think they are of great national significance.

I yield the floor.

The ACTING PRESIDENT pro tempore. The distinguished Senator from Pennsylvania is recognized.

Mr. SPECTER. Mr. President, parliamentary inquiry: What is the pending business?

DEPARTMENTS OF LABOR,  
HEALTH AND HUMAN SERVICES,  
AND EDUCATION, AND RELATED  
AGENCIES APPROPRIATIONS  
ACT, 2006

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will resume consideration of H.R. 3010, which the clerk will now report.

The assistant legislative clerk read as follows:

A bill (H.R. 3010) making appropriations for the Departments of Labor, Health and Human Services, and Education, and related agencies for the fiscal year ending September 30, 2006, and for other purposes.

Mr. SPECTER. Mr. President, I made an opening statement on Friday morning and I intend to yield in a moment or two to my distinguished colleague, the ranking member, Senator HARKIN. I urge all Senators to come forward with their amendments. So far staff has contacted every Senator's office to find out if there are amendments which the Senator intends to file. We have been made aware of approximately 15 amendments identified so far where there is an intention to file. We have had a fair number of other comments from staffers of other Senators who do not know what their Members intend to do.

We have a very complicated bill, in excess of \$145 billion, three of the most important Departments of the Federal Government: Education, Health and Human Services, and Labor. We are in the closing days of this session. After the passage of this bill, we are going to have to go to conference and resolve many difficult matters. So it is important that this bill be completed as early as possible.

We also have many Members who are involved in this bill who are engaged in the preparation of the confirmation hearings on Ms. Harriet Miers for the Supreme Court of the United States. That is weighing very heavily on my

mind, but this is an important bill which comes first. Senator HARKIN and I are determined, and Senator FRIST, the leader, as well as Senator REID, the Democratic leader, will back us up. Senator REID took the initiative to remind Senators about a statement which I initiated last week about going to the 15-minute plus 5, 20 minutes total, vote tally so we do not consume a large amount of time, which has become the practice of the Senate.

Speaking as the manager, and I know Senator HARKIN concurs with this—I would ask the Senator if that is correct?

Mr. HARKIN. Yes.

Mr. SPECTER. We are going to move to enforce the time limits. The managers intend to press to file a cloture petition tomorrow which will require that all amendments be filed by Wednesday at noon and that we take up only germane amendments.

We think these rules are the ones which should govern the consideration of this bill. If anybody has nongermane amendments, the floor is open this afternoon, and until cloture is invoked, the germane amendments will be open for consideration tomorrow.

I again urge our colleagues to come forward at this time with any amendments which they desire to offer.

The distinguished Senator from Iowa was not present to hear my lavish praise about him on Friday afternoon. He is giving me the waving-on signal. The choice is either to praise him again or relegate him to read the CONGRESSIONAL RECORD, so I choose to renew the praise.

He has been a steadfast colleague as we have moved the work of this important subcommittee without partisanship. The gavel has changed hands from time to time between Senator HARKIN and me. I know that while he has said some good things about my chairmanship, he prefers to be chairman. I do not know why, but he has maintained that position. In the public interest, when the chairmanship is changed, we use the expression "a seamless exchange of the gavel."

Now I do not hand him the gavel, but I hand him the floor seamlessly.

The ACTING PRESIDENT pro tempore. The distinguished, seamless, and steadfast Senator from Iowa is recognized. Mr. HARKIN. Mr. President, I thank my friend, the distinguished chairman of this vital and important subcommittee on appropriations. Senator SPECTER and I have worked together—now that I think back, it has been 17 years that we have worked together, either as chairman or ranking member on this subcommittee. The chairman is absolutely right. No matter who has the gavel, we work together. I couldn't ask for a better working relationship with anyone than I have with my friend and my chairman, Senator SPECTER of Pennsylvania. It is Senator SPECTER who has led the charge in the past to do the things that enable our country to move